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South Carolina House of Representatives

Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

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The New Session

Introduction

On Jan. 12, the House of Representatives will convene for the second year of the 107th General Assembly -- a session that promises to get off to a quick start with a 49-page calendar and over 100 prefiled bills awaiting returning House members.

A number of major issues, still unresolved from the 1987 session, will be pending before both the House and the Senate. Among them, the Local Government Finance Act and Tort Reform, passed by the House last session and now before the Senate, as well as revisions in the Corporate Code and Governmental Tort Claims Act, recently reported out by the House Judiciary Committee. There are many other pressing issues to consider as well.

As always the state Appropriations Bill as well as other funding issues will be of great interest. This is also the year for a State Bond Bill. In addition, there are pressing questions in the areas of in health care, the environment, and education -- K-12 as well as Higher Education. And this list only scratches the surface.

In this issue of *Legislative Update*, we will try to preview some of the issues coming before the House of Representatives. This edition contains what's on the calendar awaiting the membership, a list of the major issues before the standing committees as foreseen by the Speaker and the committee chairmen, and the results of the issues survey sent to House members in November.

We hope this preview edition of *Legislative Update* will not only help refresh your memory, but also help with constituent questions as the state begins to look toward January and the reconvening of the General Assembly.

What's on the Calendar

To say the House of Representatives will have a full plate before it when it returns Jan. 12 is an understatement. As it now stands, the first day calendar is 49 pages long. Lest any House member feel daunted by the prospects of tackling such a hefty calendar, perhaps it will help to know the first 22 pages are devoted to listing the budget vetoes which were under debate at final adjournment.

The following is a list of the bills on the calendar which will confront House members upon their return. The bills listed include the Budget Vetoes, contested bill that have been continued, those set for Special Order and Special Order Resolutions.

Budget Vetoes

H.2590 -- The State Appropriations Bill

Set for special order as the first item of business for the House are Governor Campbell's 277 budget vetoes. The vetoes are listed on the calendar in the priority order set by a House Resolution approved June 25, setting them for special order.

The House took action on the first veto on the priority list, Veto #272, overriding the governor's action. The House continued the next two vetoes on the list, Veto # 259 and #260, and was debating the fourth priority veto #128, when debate was interrupted.

Continued Bills on the Contested Calendars

H.2795 -- Richland County School Districts

Up for third reading as a local contested bill, this legislation was continued in April.

This bill provides, in part, for a referendum to be held in both districts before any merger or alteration of the boundaries of Richland County School Districts 1 or 2. It also states that the two school boards may set the school tax levies, provided they are not more than 5 percent of the total local millage from the previous fiscal year. More than 5 percent would have to be approved by the county council or determined by referendum under this bill.

H.2549 -- Legislative Adjournment and Budgetary Process

Up for third reading as a statewide contested bill, this legislation was continued last May.

This bill would move up the mandatory adjournment date from the first Thursday in June to the second Thursday in May. It would also require the state Board of Economic Advisors to make its initial forecast of economic conditions no later than Oct. 15. Any subsequent adjustments could be only downward with the final forecast to be issued Feb. 15.

Spending requests from state agencies to the state Budget and Control Board would be moved up from Nov. 1 to Oct. 1. The House Ways and Means Committee and Senate Finance Committee would meet jointly to consider the proposed budget on the second Tuesday in December.

Special Orders

H.2550 -- Start Up Date of the Legislative Session

This joint resolution, up for second reading and continued last May, was set by Special Order to follow second reading of H.2549, the bill on Legislative Adjournment and the Budgetary Process (see above).

This joint resolution would amend the State Constitution so that the General Assembly would convene on the second Tuesday in February instead of the second Tuesday in January. Like all constitutional amendments, this proposed constitutional change would go before the voters in a statewide referendum if approved by the General Assembly.

H.2450 -- Board of Social Worker Registration

First bill set for Special Order and up for second reading, this legislation would eliminate the old Board of Social Worker Registration and create the new State Board of Social Work Examiners. This bill also defines the practice of social work and defines the qualifications of who may be licensed in one of three professional social work categories

H.2862 -- Sheriff Qualifications

Set by Special Order to follow H.2450 (see above), this joint resolution, up for second reading, would change the State Constitution to allow the General Assembly to provide by law for the qualification of sheriffs. If passed, this proposed constitutional change also would have to face a statewide referendum at the next general election.

S.424 -- Insurance Reports

Set by Special Order to follow H.2862 (see previous paragraph), this Senate bill is up for second reading after being reported out

favorably with amendments by the House Labor, Commerce and Industry Committee last May.

This bill would require insurance companies to report losses, expense experiences and any other data necessary to determine whether their rates are excessive, inadequate or unfairly discriminatory. It directs the Chief Insurance Commissioner to designate a rate service organization to compile the information. Once compiled, these reports would be provided to the Legislature and be open to the public.

If a rate is found excessive, inadequate or discriminatory, this bill would allow the Chief Insurance Commissioner to withdraw its approval.

S.499 -- Health Insurance Pool

Set by special order to follow S.424 on Insurance Reports, this Senate bill, reported out favorably with amendments by the House Ways and Means Committee, is up for second reading.

This lengthy bill creates the South Carolina Health Insurance Pool, which would help insure state residents who have had difficulty obtaining affordable health insurance due to either medical reasons or because there is no opportunity through their employment, among other reasons. This pool would not cover people eligible for Medicaid or Medicare, or people diagnosed with AIDS.

S.347 -- Height of Automobile Transporters.

Set by Special Order to follow S.499 (see above bill), this Senate bill, up for second reading, was reported out of the House Education and Public Works Committee in May with a favorable majority report and an unfavorable minority report.

This bill would amend the law to allow 14-foot automobile transporters or transporters of wooden trusses on the state's highways. Currently, the law prohibits vehicles of more than 13 feet.

H.2837 -- Shad Fishing on the Santee River

This bill is next on the Special Order list, set to follow S.347 (see preceding paragraphs). This bill, reported out of the House Agriculture and Natural Resources Committee in April with a favorably majority report and an unfavorable minority report, is up for second reading.

This bill would make it unlawful to use nets to catch shad in the North and South Santee Rivers. The committee amended the language to also include the east and west branches of the Cooper River from the saltwater-freshwater dividing line.

House Resolutions to set Special Orders

H.3111 -- Special Order for H. 2344 on Hazardous Waste Disposal

This House Resolution, continued last May, would set for Special Order H.2344 dealing with hazardous waste disposal. The resolution would set this bill for Special Order behind H.2639, a bill on the Public Service Authority, which was enacted into law last session.

H.2344 was reported out of the House Agriculture and Natural Resources Committee last April with a favorable majority report and an unfavorable minority report. This bill would specify that the waste treatment or disposal capacity of a hazardous waste facility could not be changed except by a DHEC regulation approved by the General Assembly.

The Committee amended the bill to specify, in part, that a commercial hazardous waste facility could not increase its tonnage or the length of time it is permitted to operate except by DHEC regulation approved by the Legislature.

H.3216 -- Special Order for H.2549 dealing with Legislative Adjournment and Budgetary Process

This House Resolution would set for Special Order H.2549 dealing with Legislative Adjournment and the Budgetary Process. This resolution, on which debate was adjourned until the first day of the 1988 session, would place H.2549 for Special Order behind H.2862, dealing with Sheriff Qualifications, the second bill on the Special Orders list (see page 4).

H.2549 is briefly explained on page 4 of this section of the *Update* dealing with Continued Bills on the Contested Calendars.

Issues before the Committees

January will mark the opening of the second year of the 107th session of the General Assembly. This means that while there will be new issues on the agenda to consider, there will also be legislation still awaiting resolution from the 1987 session.

Here is a list of potential issues facing each standing

committee of the House of Representatives. This list, compiled by the Speaker and the standing committee chairmen, represents what they foresee as the major issues committee members will consider during the 1988 session.

Agriculture and Natural Resources Committee

Hazardous Waste Disposal

In addition to a number of bills on this topic pending before the committee, a citizens task force, created by the state Department of Health and Environmental Control, is currently studying this issue.

Beachfront Management

Having reviewed the Coastal Council's Blue Ribbon Report, the Environmental Affairs subcommittee is currently working on legislation to address the complex issue of rising sea levels, beach erosion and their impact on development.

Freshwater Wetlands Legislation

H.2084, currently pending before the committee, would create a comprehensive freshwater wetlands act, regulating activity in those areas designated as freshwater wetlands.

Education and Public Works Committee

Adult Education and Illiteracy

The U.S. Census Bureau has estimated the percentage of functionally illiterate adults in South Carolina range from a low of 15-20 percent to a high of 40 percent in some counties.

Excellence in Higher Education

Consideration of the state Commission on Higher Education's \$31 million comprehensive plan for excellence in higher education, entitled "The Cutting Edge."

Highway Safety

Pending are a wide spectrum of highway safety issues from driver's license and suspended licenses to railroad crossings.

Primary and Secondary Remedial Education

Judiciary Committee

Tort Reform

H.2610 was passed last year by the House and now faces the Senate Judiciary Committee. This issue is heating up, as reflected in recent radio ads being aired by some interest groups. H.2610 includes many reform elements, such as reducing the time limit for filing civil actions, and providing for the general application of comparative negligence in tort action, to name just two.

Corporate Code Revision

S.415 to enact the "South Carolina Business Corporation Act of 1988" was reported out favorably with amendments by the House Judiciary Committee in October.

Governmental Tort Claims Act Revision

S.732, which makes some adjustments to the overall act passed last year, was reported out favorably with amendments by the House Judiciary Committee in December.

Annexation

A frequent issue before the General Assembly in past years, two bills are pending before the committee: H.2634 and H.2635.

Revision of Pornography Legislation

Last session, the General Assembly passed Act 168 enacting a major revision of the state's obscenity law.

Revision of the Legislative Article of the S.C. Constitution

Labor, Commerce and Industry Committee

Health Care Insurance

H.2673, Long Term Care Insurance legislation, is among the pending health care insurance issues.

Sale of the S.C. Public Service Authority (Santee Cooper)

H.3249 would authorize the sale of the PSA (Santee Cooper) and distribute the proceeds based on a formula stipulated in the bill.

Automobile Insurance Revisions

With the passage last session of Act. 166, the state's automobile insurance law underwent major reform, including the establishment of a two tier driver rating system. The Insurance Subcommittee is currently studying the effects of the new law as well as issues not addressed in the new act.

Medical, Military, Public and Municipal Affairs Committee

Pathological Waste

This issue would address how the disposal of pathological waste, also known as infectious waste, would be handled. H.2863, currently pending before the House Agriculture and Natural Resources Committee, would require infectious waste be handled as hazardous waste.

AIDS Report

The Joint Ad Hoc Committee on AIDS met during the interim to study the many facets of this growing health problem. Among the issues this committee has addressed are: what, if any, mandatory testing should be done; patient rights and confidentiality, and the impact of the disease on state expenditures. While extremely difficult to address, some recommendations will be forthcoming.

Rules Committee

Rules on State Budget Printing and Format

Ways and Means Committee

Local Government Finance Act

H.2368. Renamed the "Property Tax Reform Act," this bill is pending before the Senate Finance Committee

State Bond Bill

Created every other year to address the building needs of the state, a State Bond Bill will be before the General Assembly during the 1988 session.

School Building Construction

A February 1987 report by the State Department of Education projected a statewide public school building need of \$1.4 billion from 1987 to 1992.

Further Development of Programmatic Budgeting

Results of the Membership Survey

The Local Government Finance Act along with the building needs of the state's public schools top the priority list of House members responding to November's survey of issues for the 1988 legislative session. Also ranking high on the priority list were funding issues, such as consideration of the state Appropriation Bill, the Reserve Fund and Capital Expenditure Fund.

Background

This was the second year the House Research Office polled House members prior to the session on priority issues. The survey was mailed Nov. 10 to all 124 House members with a return date of Nov. 20. This was an anonymous survey, although a number of the House members signed their completed forms.

This year even more Representatives answered the priority issues sample. This year slightly more than half the 124 House members -- 52.4 percent -- returned the survey form. Our thanks to those who responded to the survey.

How the survey was conducted

This year's survey was slightly different from last year's. Once again, legislators were asked to rank a wide ranging list of issues, 27 in all. A 1 to 5 scale was used with 5 representing a high priority issue and 1 representing a low priority.

In addition, House members also were asked to list what they think should be the top three priorities addressed by the 1988 session of the General Assembly. And as was done last year, space was provided to allow each member to add any topic we might have overlooked.

It is important to note that the survey results in no way reflect how House members will vote on a particular issue. Rather, the sample is an indication of the priority that responding House members would like certain issues to be given during the upcoming legislative debate. The results simply indicate issues some legislators think are important to discuss and issues of lesser priority.

Naming the top three priorities

In the first part of the survey, House members were asked to list in the order of importance the top three issues to be addressed by the General Assembly during the upcoming session. Not all the members responding to the survey answered this question. Of the 65 House members who responded to the survey, 57 listed their top three priorities.

Of the House members who responded to this question, the Local Government Finance Act, recently renamed the "Property Tax Reform Act," was listed among the top three issues nearly twice as much as any other issue. The State Budget Bill was the next most frequently listed priority followed by the more general priority of "Raising educational levels."

The health issue, AIDS, also was frequently ranked among the top three priorities, as was Tort Reform, the Reserve Fund and Capital Expenditure Fund, Automobile Insurance Rates and School Building Needs.

Although these were the issues most frequently named by the responding House members, many other issues also were cited. Here is a list of those issues, listed according to the frequency which the House members named them:

- Comprehensive Highway Safety
- Comprehensive Health Education
- Beachfront Management
- Pari-Mutuel Betting and the Lottery
- Mandatory Seat Belts
- Department of Youth Services
- Higher Education
- Changes in the Death Penalty Process
- Health Care (including Medicaid)
- Pay Raises
- Juror Qualifications
- Long Term Care Insurance
- Prison Overcrowding
- Regulatory provisions for larger agencies
- S.C. Public Service Authority (Santee Cooper)
- Capital Gains Tax Reduction
- College Student Admissions
- Care for the elderly
- Home Instruction
- State Bond Bill
- Infectious Waste
- Election of judges

Among the top three priorities (cont'd):

- Wetlands Protection
- Shorter Legislative Sessions
- Teacher Pay Raises
- Keeping firearms away from criminals

Ranking 27 issues

While not all the responding House members listed their top three priorities, almost all ranked the list of 27 issues, using the 1 to 5 priority scale. The 27 issues listed in the survey were compiled by the House Research Office from information provided by House committee staffs, prefiled bills and issues that have received media attention. Certainly, this list was not intended to be a definitive outline of issues facing the General Assembly. The great number of topics added by House members in the "other issues" category is proof of that.

Methodology

As was done last year, each issue was ranked by computing the number of tallies it received in each of the 1 to 5 priority rankings. For example, the top rated issue, School Building Needs, received a total score of 276. This score was arrived at by multiplying by 5 the 34 "five votes" it received, by 4 the 20 "four votes," by 3 the 8 "three votes," and so on. Answers in the "no opinion" column were not used. By computing a total score by this method, each issue is given an appropriate weight under the 5 to 1 priority system and thereby can be fairly compared and ranked.

The following list shows each issue in order of priority ranking and the number of "votes" it received in each priority category. In the case of a tied score, the issue with the higher number of 5 "votes" was listed first. Each issue is described only by the heading it received in the survey. For a short explanation of the issue involved, please see the extra copy of the survey sent to you.

<i>Potential Issue</i>	<i>Priority</i>					<u>Total</u>
	<u>High</u>		<u>Low</u>			
	5	4	3	2	1	
School Building Needs	34	20	8	1	0	276
Local Government Finance Act	37	12	5	3	5	259
Reserve, Capital Expenditure Funds	34	14	8	3	1	257
Beachfront Management	25	19	14	4	1	252
Department of Youth Services	17	20	21	5	0	238

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<i>Potential Issue</i>	<i>Priority</i>					<u>Total</u>
	High 5	4	3	2	Low 1	
Funding Teacher Salaries	27	14	8	7	4	233
State Employee Pay Raise	27	11	11	5	7	229
AIDS	21	15	18	3	3	228
Higher Ed: Research & Dev. Funds	24	9	19	4	4	225
Comprehensive Health Education	18	17	14	8	5	221
Higher Ed: General Funding	17	14	17	9	5	215
Juror Qualifications	25	8	11	7	9	213
Wetlands Protection	19	13	17	4	6	212
Long Term Care Insurance	16	11	22	9	4	212
School Bus Drivers	10	12	23	8	7	190
College Admissions Standards	9	12	24	7	10	189
Highway Safety	11	12	17	8	13	183
Grade School Home Instruction	8	14	15	12	14	179
Sheriff Qualifications	8	12	15	12	11	168
Changes in Death Penalty Process	17	4	13	4	19	167
Plea Bargaining	4	6	26	6	19	153
Fair Housing	3	11	17	13	16	152
Mandatory Seat Belts	10	3	10	10	29	141
Pari-Mutuel Betting	8	5	9	12	28	139
Sale of Santee Cooper	7	5	9	1	39	123
Sales Tax on Service	7	1	7	5	40	110
Mining Regulations	3	4	8	14	21	104

Other issues

The list of 27 issues didn't cover all the bases for some House members. At the end of the survey, Representatives were given the chance to add any issue not listed in the survey. Under this heading, a number of Representatives added still more potential priority issues to the ones already named.

Many of the issues cited fell under the categories of business or economic development. Some reflected major issues debated last session by the House and now pending before the Senate. Still others had to do with elected officials or the House of Representatives itself. Several mentioned ongoing environmental issues.

Here is a list of those priority issues added to the sample as written by responding House members:

- Tort Reform
- Insurance Rates
- Law Enforcement Retirement
- Corporate Code

Other issues (cont'd):

- Revision of Legislative Article of the S.C. Constitution
- Legislators practicing before judges, boards and commissions.
- Annexation
- Four year terms for House members
- Legislative salaries
- Shortening the Legislative Session
- Joint Rules
- Election Law Reform
- Recall of elected officials
- Judicial Reform/Election of judges
- Infectious waste
- Hazardous waste
- Nuclear waste
- Restructuring the Board of Economic Advisors
- Capital Gains Tax Reduction
- Workers Compensation
- Improved access for minority entrepreneurs
- Extension of the Jobs Tax Credit to all businesses
- More nursing home beds
- Welfare reform
- Dram shop legislation
- Increasing the tax on alcohol
- Increased fees on Chem Nuclear
- Mandatory ignition interlock, 2nd offense DUI

Also, it must be noted that one House member wrote to complain about the survey form itself. He said he did not like the explanations following each issue heading being in the form of questions. By way of explanation, this method was used to give the members some feel for what questions will have to be considered during debate on the issue. Also, it was a way of explaining the issues without giving weight to one side or the other. However, when next year's survey is prepared, this constructive criticism will be noted.

Conclusion

From the following pages, it is apparent there are a great many issues on the minds of the House members as they head into the second year of the 107th General Assembly. However, there are certain issues that obviously have come to the forefront. Not surprisingly, many of the top priorities have to do with funding decisions, although education and some environmental issues also are of interest. Once again, it is important to remember that while the preceding pages may be an indication of what the House would like to debate, they in no way indicate how the debate, or the voting, will go.